REMARKS

Claims 6-13 are pending. Claims 1-5 have been cancelled, without prejudice.

Claim 6 is rewritten in independent form. Claims 7 and 9 are amended to correct their dependency. New claim 11 is supported on page 23, line 10-12. Claim 12 is supported on page 24, lines 6-10. New claim 13 is supported on page 4, line 12. These claims are further supported throughout the specification.

The specification has been amended to update the priority information, as the parent application is now issued. In addition, the descriptions of the figures have been brought into conformity with the figures.

No new matter is added by this amendment.

I. *Claims 1, 2, 4, 7, and 9-10 are rejected under 35 USC 102(e) as being anticipated by Russell, US Patent 6,156,303.*

Cancellation of these claims renders this rejection moot.

II. *Claims 1, 2, 4 and 6-10 are rejected under 35 USC 102(e) as being anticipated by High et al, US 6,093,392.*

Applicants respectfully traverse this rejection.

High does not teach or suggest alpha 1 antitrypsin or an AAV vector containing same.

Withdrawal of this rejection is requested.

III. *Claims 1, 2, and 6-8 are rejected under 35 USC 103(a) as being unpatentable over Russell taken with Flotte et al, US 6,461,606. Flotte is relied upon for teaching delivery of rAAV carrying alpha 1 antitrypsin to skeletal muscle cells.*

Applicants traverse this rejection.

The combined teachings of Russell and Flotte fail to suggest a vector as recited in the present claims or the use thereof. The examiner admits that Russell does not teach using alpha 1 antitrypsin or delivering rAAV6 carrying same to

skeletal muscle. Flotte fails to teach or suggest AAV6 or any use thereof.

Further, Russell requires that AAV genomic sequences, other than a polypeptide of the AAV6 capsid protein, be present in its construct.

It should be noted that Russell defines an "AAV viral vector" as an AAV viral particle containing an AAV vector genome [col. 11, lines 8-10.] An AAV6 "vector genome" is defined to include at least a functional portion of the AAV viral genome. [col. 12, lines 49-65.] Further, Russell teaches viral vectors containing an AAV capsid protein (i.e., vp1, vp2 or vp3). There is no explicit teaching of a viral vector containing a full AAV6 capsid.

Thus, the combination of Russell with Flotte, which does not teach or suggest the use of AAV6 for any purpose, is defective.

Favorable consideration of the present invention is requested.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

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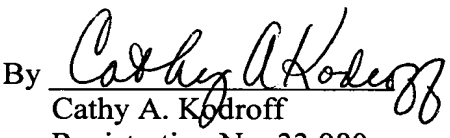
By 
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